United Nations A/ES-10/308–S/2005/617

General Assembly
Security Council

Distr.: General
29 September 2005

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixtieth year

Identical letters dated 29 September 2005 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

It is my profound regret to inform you that Israel, the occupying Power, has continued to escalate its reckless and cruel campaign of military warfare against the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, in grave violation of international law, including international humanitarian law and human rights law. War crimes and acts of State terrorism continue to be committed daily by the occupying Power against the civilian population under its occupation.

For the sixth day in a row, the Israeli occupying forces have continued to carry out air and artillery raids and attacks against the Gaza Strip. Using heavy military weaponry, including F-16 warplanes, the occupying forces are terrorizing the civilian population and endangering the lives of thousands of people, including women, children and the elderly. The military attacks have resulted in the extensive destruction of homes, schools, bridges, roads and properties in this already devastated area and have exacerbated the tense situation on the ground and deepened the humanitarian crises being faced by the Palestinian people. In addition, the Israeli occupying forces have also used sonic booms to cause false raids, which have negative and psychological effects on the Palestinian civilian population.

In the period of just two days since my last letter to you, the occupying forces have killed at least three more Palestinians and have injured scores of other innocent Palestinians. The Palestinians killed were extrajudicially executed, in flagrant violation of the fundamental provisions of international human rights law and humanitarian law. In addition, the occupying forces continue to carry out arrests and detentions and have detained at least 25 more Palestinian civilians throughout the Occupied Palestinian Territory, including East Jerusalem. In fact, in the past week, more than 400 Palestinians have been detained, in addition to the thousands of Palestinians that continue to be illegally detained in Israeli detention centres and jails under the most abject and inhumane conditions. It is imperative to reiterate that a number of those arrested are declared candidates intending to run in the legislative

05-53099 (E) 300905

Palestinian elections to be held in January 2006, a blatant interference in the internal affairs of the Palestinian people and an intrusion in the Palestinian democratic election process.

This decline of an already fragile and perilous situation makes it imperative for the international community to respond quickly. There must be a firm condemnation of the killings and of the widespread destruction wrought by the Israeli occupying forces and a clear demand for an immediate end to all military attacks. Such military attacks continue to escalate despite the fact that all Palestinian political groups and organizations have agreed to respect the unilateral ceasefire and have reiterated their commitment to quietness. Therefore, the international community must take immediate action to compel Israel, the occupying Power, to cease its military attacks and to scrupulously abide by international law, particularly the provisions of the Fourth Geneva Convention in the Occupied Palestinian Territory, including East Jerusalem.

The present letter is in follow-up to our previous 221 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 26 September 2005 (A/ES-10/307-S/2005/608) constitute a basic record of the crimes committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

Accordingly, in follow-up to the above-mentioned letters, it is my profound regret to inform you that since our last letter to you, which included an attached list of martyrs, dated 18 August 2005, at least 24 more Palestinians have been killed by the Israeli occupying forces, raising the total number of martyrs killed since September 2000 to 3,739. (The names of the martyrs that have been identified are listed in the annex to the present letter.)

I would be grateful if you would arrange to have the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to identical letters dated 29 September 2005 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by the Israeli occupying forces in the Occupied Palestinian Territory, including East Jerusalem* (Wednesday, 24 August 2005 to Wednesday, 28 September 2005)

Wednesday, 24 August 2005

1. Adel Mohamed Kasem Abu Khalil
2. Anas Maarouf Ghassan Abu Zina (17 years old)
3. Majdi Abdelkarim Hossaine
4. Mahmoud Ahmed Ismail Hodaybe (16 years old)
5. Mohamad Tarek Othmane (15 years old)

Monday, 29 August 2005

1. Imad Nassouh Abu Al-Hoda
2. Mahibe Nassouh Abu-Al-Hoda (14 years old)

Friday, 2 September 2005

Khaled Khalil Hamed

Tuesday, 6 September 2005

1. Samya Khaled Farahate
2. Hoda Khaled Farahate
3. Khaled Mohamad Saad
4. Fayez Abu Tawila

Wednesday, 7 September 2005

Namre Al-Saadouni

Friday, 9 September 2005

Bashire Al-Soufi

Tuesday, 13 September 2005

Waleed Solaymane Attiyate Khomayssat

Friday, 16 September 2005

Bahaa Fawaz Diyab

* The total number of Palestinian martyrs killed by the Israeli occupying forces since 28 September 2000 is 3,739.

Thursday, 22 September 2005

1. Alaa Adnane Abdelaziz Hantouli
2. Fadle Khalil Younes Abu Arram (14 years old)
3. Jamile Nazih jamile Abu Saada
4. Said Taleb Al Ashkare
5. Raed Ahmad Mahmoud Ajjaj

Wednesday, 28 September 2005

1. Omar Al-Saadi
2. Nidal Khalaf
3. Samer Al-Shalabi

United Nations A/60/411-S/2005/618

General Assembly
Security Council

Distr.: General
5 October 2005

Original: English

General Assembly
Sixtieth session
Agenda item 19
Question of Cyprus

Security Council
Sixtieth year

Letter dated 3 October 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 3 October 2005, addressed to you by Mr. Reşat Çağlar, Representative of the Turkish Republic of Northern Cyprus (see annex).

I would be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Baki **İlkin**
Ambassador
Permanent Representative

05-53733 (E) 071005

Annex to the letter dated 3 October 2005 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 23 September 2005 addressed to you by the Greek Cypriot representative and circulated as a document of both the General Assembly and the Security Council (A/60/381-S/2005/607), which yet again contains allegations of violations of the "airspace of the Republic of Cyprus" and of the "flight information region (FIR) of Nicosia", and to bring to your kind attention the following:

In response to such false and pretentious allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. Furthermore, it should be emphasized that allegations of so-called violations of the flight information region or violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As stated in our previous letters, such allegations are based on the false and illegitimate claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This claim by the Greek Cypriot side is divorced from the existing realities in Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within and above its respective territory on the island.

Attempts by the Greek Cypriot representatives, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile as long as the Turkish Cypriot people refuse to bow to its writs. What would indeed be conducive to a better climate on the island would be for the Greek Cypriot side to stop arrogating to itself rights and responsibilities it does not legally have and to cease all hostilities towards the Turkish Cypriot people.

The Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. Following the rejection by the Greek Cypriot side of the United Nations settlement plan last year, the international community in general and the United Nations in particular is expecting positive moves from the Greek Cypriot administration demonstrating its political will and sincerity for a fair and just settlement in Cyprus. As a first step, the Greek Cypriot administration, without further delay, should heed your call and pronounce itself with "clarity" and "finality" on the question you have put to it.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Reşat **Çağlar**
Representative
Turkish Republic of Northern Cyprus

United Nations A/60/416–S/2005/619

General Assembly
Security Council

Distr.: General
30 September 2005

Original: English

General Assembly
Sixtieth session
Agenda items 14 and 15

The situation in the Middle East

Question of Palestine

Security Council
Sixtieth year

Letter dated 29 September 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

In my capacity as Chairman of the Arab Group for the month of September 2005, and on behalf of the States members of the League of Arab States, I have the honour to enclose a letter dated 29 September 2005, addressed to you from the Arab Group (see annex) concerning the remarks made on 23 September 2005 by Alvaro de Soto, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and Palestine Authority, in his briefing to the Security Council for the month of September 2005 under the Security Council agenda item entitled "The situation in the Middle East, including the Palestinian question" (see S/PV.5270).

I would be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda items 14 and 15, and of the Security Council.

(*Signed*) Ahmed **Own**
Chargé d'affaires a.i.
Permanent Mission of the Socialist People's Libyan
Arab Jamahiriya to the United Nations
Chairman of the Arab Group

05-53249 (E) 061005

Annex to the letter dated 29 September 2005 from the Chargé d'affaires a.i. of the Permanent Mission of the Libyan Arab Jamahiriya to the United Nations addressed to the Secretary-General

The Arab Group at the United Nations met on Tuesday, 27 September 2005, to review the statement delivered by Alvaro de Soto, United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority, to the Security Council during the briefing that was held on 23 September 2005. It was decided by the Arab Group to communicate to you the position of the Group on this serious matter.

The Arab Group wishes to express its deep concern about the remarks made by Mr. de Soto to the Security Council in his monthly briefing. Mr. de Soto's statement was rife with comments that not only did not reflect established legal and political positions of the United Nations system on several matters, but even called into question and cast shadows of vagueness on these positions. In this regard, the Arab Group believes it is imperative to stress the need for all representatives of the United Nations to adhere to the relevant United Nations resolutions and positions in carrying out their official duties in accordance with their mandates. International law and the relevant resolutions of the United Nations organs must constitute the framework and context of their work and should not be departed from or undermined.

The Arab Group is aware of the letter conveyed on this matter to Ibrahim Gambari, the Under-Secretary-General for Political Affairs, by the Permanent Observer of Palestine to the United Nations and concurs with the important legal arguments conveyed therein. However, the Arab Group wishes to refer to a few additional and very clear legal positions established by the International Court of Justice in its advisory opinion of 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (A/ES-10/273 and Corr.1) and endorsed thereafter by Member States in their overwhelming support for General Assembly resolution ES-10/15 of 20 July 2004, which were generally disregarded by Mr. de Soto in his statement to the Council.

In this regard, Mr. de Soto referred repeatedly to Israel's need for security as the reason behind the building of the wall in the Occupied Palestinian Territory, including East Jerusalem, despite the fact that this argument was completely rejected by the International Court of Justice in its advisory opinion. In this regard, the Court stated, inter alia, that: "The Court, from the material available to it, is not convinced that the specific course Israel has chosen for the wall was necessary to attain its security objectives. The wall, along the route chosen, and its associated regime gravely infringe a number of rights of Palestinians residing in the territory occupied by Israel, and the infringements resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order" (ibid., para. 137).

Moreover, referring the construction of the wall in the Occupied Palestinian Territory, the United Nations Special Coordinator told the Council that the route of the wall "appears to prejudge the final borders of a Palestinian state". Once again, this matter was conclusively addressed by the court, which found that the route of

the wall, which is in departure of the 1967 border (Green Line), does in fact prejudge the final borders. Indeed, the Court stressed that it "cannot remain indifferent to certain fears expressed to it that the route of the wall will prejudge the future frontier between Israel and Palestine, and the fear that Israel may integrate the settlements and their means of access. The Court considers that the construction of the wall and its associated regime create a fait accompli on the ground that could well become permanent, in which case, and notwithstanding the formal characterization of the wall by Israel, it would be tantamount to de facto annexation" (ibid., para. 121).

In addition, when speaking of the matter of the settlements, the wall and Occupied East Jerusalem, Mr. de Soto refers only to the position of the Israeli High Court, rather than to the International Court of Justice, the highest judicial body of the United Nations system which should serve as Mr. de Soto's ultimate reference when discussing those very sensitive and crucial issues. Among other things in this regard, the Court clearly stated that "the route chosen for the wall gives expression *in loco* to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council" (ibid., para. 122). Thus, while the international community and the Quartet are focusing on the need for a cessation of settlement activities, including in and around East Jerusalem, and are demanding the dismantlement of the settlement outposts, such comments by Mr. de Soto serve only to create ambiguity about the fundamentally illegal nature and status of the settlements and the wall and appear to accommodate the Israeli position rather than reflecting the position of the United Nations, including the International Court of Justice, or even of the Quartet on these matters.

This is unacceptable conduct and it should not be permissible for a senior United Nations official to advocate positions that undermine the established legal positions of the United Nations. The Arab Group thus expresses its hope that efforts will be undertaken to address this serious issue, with a view to ensuring that all United Nations representatives function in conformity with United Nations resolutions and with their respective mandates.

Furthermore, the Arab Group has observed with concern the lack of references in the recent briefings to the need of establishing a just and comprehensive peace in the Middle East, including on the Syrian and Lebanese tracks.

(*Signed*) Ahmed **Own**
Chargé d'affaires a.i.
Permanent Mission of the Socialist People's Libyan
Arab Jamahiriya to the United Nations
Chairman of the Arab Group

United Nations S/2005/620

Security Council

Distr.: General
3 October 2005
English
Original: French

Letter dated 3 October 2005 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I wish to strongly protest the remarks made last Thursday, 29 September 2005, by President Yoweri Museveni of the Republic of Uganda, which received wide coverage in the international press and in which the President stated that the Ugandan army would cross the border with the Democratic Republic of the Congo if the Congolese Government and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) failed to disarm within two months the rebels of the Lord's Resistance Army (LRA), who have come from the Republic of the Sudan and installed themselves in the Garamba national park, situated in the eastern part of the Democratic Republic of the Congo.

These offensive, discourteous, unacceptable and threatening statements by the Ugandan President are a flagrant violation of the Charter of the United Nations, and in particular of Article 2 (4), which clearly states that "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations".

They are also an affront to the international community, represented on the ground by MONUC, whose noble mission is mainly to restore and maintain peace in the Democratic Republic of the Congo.

My Government wishes to reiterate once again that it harbours no hidden agenda against any of its neighbouring countries and that all foreign armed groups, of whatever kind, must withdraw from Congolese territory forthwith.

In accordance with this policy, as soon as it learnt of the undesirable presence of the Ugandan rebels of the Lord's Resistance Army (LRA), my Government had no hesitation whatsoever in giving them an ultimatum to leave the national territory immediately.

My Government considers that the presence of any uninvited armed group, whether a rebel group or a national army, is likely to prolong the unspeakable suffering of our populations, and in particular the Congolese population, which, with its four million dead, has borne the brunt by far of the futile and senseless conflicts that the region has been experiencing for more than a decade now.

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Informed observers agree that the Lord's Resistance Army (LRA) does not presently have the capability to harm the Government of Uganda and the haste with which the Ugandan President has threatened my country may therefore be explained both by his well-known failure for some 20 years now to resolve the problem of the Lord's Resistance Army on Ugandan soil and by the proximity of the 2006 elections in that country, in which he is once more a candidate after heavy-handedly amending the Constitution of his country.

In fact, in view of the proximity of the elections, the Ugandan President is seeking to prove to public opinion in his country that he is capable of putting a definitive end to the rebellion of the Lord's Resistance Army (LRA). In order to do so, he would not hesitate to launch an attack on the forces of the Lord's Resistance Army (LRA) on Congolese soil. To counter the criticism that was sure to follow, he would claim that his actions were a legitimate exercise of the right of pursuit, which is recognized neither by the United Nations nor by the African Union.

This attitude of the Ugandan President is based on his real or imagined belief that the armed forces of the Democratic Republic of the Congo are not battle-hardened and can operate only with logistical support from MONUC. This explains, moreover, the determination of the business sector in Uganda to continue to provide weapons to the armed groups in the district of Ituri so that they could continue to illegally exploit the natural resources and other forms of wealth of the region.

A number of the leaders of these armed groups are known. They are rebel officers whose appointments had been part of the effort to integrate the armed forces command, rebel officers appointed as part of the effort to integrate the armed groups in Ituri, and common warlords. They travel frequently to Uganda to seek the support of the authorities of that country for their efforts to destabilize the Democratic Republic of the Congo.

My Government wishes to remind the Security Council of all the concerns it has frequently expressed in its various resolutions and presidential statements concerning the proven support of Uganda for the militia who run amok in my country and, more particularly, in the district of Ituri, all of whom have a real capacity to disrupt the current transition process and to doom to failure the commendable and costly efforts of the international community to bring about a return to normality in my country and in the Great Lakes region.

Despite this, the Congolese Government has demonstrated sufficient commitment to disarm the rebels of the Lord's Resistance Army (LRA) so as not to expose itself to new pretexts for justifying the dangerous and negative interference of Uganda in the Democratic Republic of the Congo.

My Government is mindful of the terrible suffering of our populations, who aspire to the peace that will permit them to rebuild the relations of friendship, trust and peaceful coexistence which they once enjoyed. The Democratic Republic of the Congo is firmly committed to the peace process. It is in its own interest to do so as it is in the interest of the entire Great Lakes region.

However, faced with this new Ugandan threat to its international sovereignty, territorial integrity and political independence, which have been time and again reaffirmed by the international community, my country will have no other choice but to act within the framework of international legality, including by taking the relevant action authorized by the Charter of the United Nations, and in particular the

provisions of Article 51 concerning the inherent right of individual or collective self-defence in the event of an armed attack.

My Government, which has no doubt that the community of nations will play a constructive role in encouraging Uganda, through peaceful means or through appropriate sanctions, to commit itself more fully to the peace process aimed at restoring peace throughout the Great Lakes region and at creating the conditions under which our present and future generations can thrive and develop, requests the Security Council to:

1. Condemn Uganda, whose President's remarks constitute a threat to international peace and security under the relevant provisions of the Charter of the United Nations;

2. Impose a total embargo on the sale of arms to the Republic of Uganda;

3. Decree a targeted suspension of both bilateral and multilateral aid to Uganda while ensuring that the Ugandan population is not penalized but breaking the link between this aid and the continuation of this conflict, which is taking place against the backdrop of the continued illegal exploitation of the natural resources and other forms of wealth of the Democratic Republic of the Congo;

4. Adopt protective measures, including the freezing of assets and a ban on travel by senior Ugandan officials;

5. Demand that Uganda respect the various commitments freely entered into under the framework of existing mechanisms of the United Nations and of the Tripartite Mechanism under the mediation of the Government of the United States of America;

6. Also demand that Uganda refrain from any action likely to disrupt the peace process that is currently under way in the Great Lakes region.

My Government should be grateful if you would arrange for this letter to be circulated as a document of the Security Council.

(Signed) Ileka **Atoki**
Ambassador
Permanent Representative

United Nations A/60/403–S/2005/621

General Assembly
Security Council

Distr.: General
3 October 2005

Original: English

General Assembly
Sixtieth session
Agenda items 106, 107 and 108

Crime prevention and criminal justice

International drug control

Measures to eliminate international terrorism

Security Council
Sixtieth year

Note verbale dated 28 September 2005 from the Permanent Mission of Madagascar to the United Nations addressed to the Secretary-General

The Permanent Mission of Madagascar to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith two copies of the action plan adopted by the national expert workshop for the legislative incorporation of the universal instruments against terrorism and transnational organized crime, which was held in Antananarivo from 30 August to 1 September 2005 (see annex).

The Permanent Mission of Madagascar would be grateful if the Secretary-General would bring the recommendations of the workshop to the attention of the General Assembly, under agenda items 106, 107 and 108, and of the Security Council.

05-53399 (E) 051005 051005

Annex to the note verbale dated 28 September 2005 from the Permanent Mission of Madagascar to the United Nations addressed to the Secretary-General

[Original: French]

National expert workshop for the legislative incorporation of the universal instruments against terrorism and transnational organized crime

Antananarivo, Republic of Madagascar
30 August to 1 September 2005

Action plan

The participants in the national expert workshop,

Considering the international obligations of the Republic of Madagascar under Security Council resolution 1373 (2001) and the conventions and protocols for the prevention and suppression of terrorism,

Considering that the Republic of Madagascar has already ratified 10 of the 12 universal instruments against terrorism,

Considering the ratification by the Republic of Madagascar of the United Nations Convention against Transnational Organized Crime and its three protocols,

I. Hereby recommend to the Government of the Republic of Madagascar that it take the following measures:

1. Deposit, at the sixtieth session of the United Nations General Assembly, the instruments of ratification of the United Nations Convention against Transnational Organized Crime and its three additional protocols, in order to take part in the forthcoming Conference of States Parties;

2. Begin the ratification process for the following two instruments:

   - Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988;

   - 1988 Protocol to the 10 March 1988 Convention for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf;

3. By the end of 2006, incorporate into domestic law the offences and related provisions established by the universal instruments against terrorism and the United Nations Convention against Transnational Crime and its three protocols, on the basis of the legislative reform proposal drawn up at the present workshop and contained in annex I;

4. Transmit the supplementary report of the Republic of Madagascar to the Counter-Terrorism Committee of the United Nations Security Council and the reports to the Security Council Committees established pursuant to resolutions 1267 (1999) and 1540 (2004);

5. Consider the Research Department of the Ministry of Justice as the national focal point for monitoring the implementation of the universal instruments against terrorism and of this action plan and, in conjunction with the Department of Multilateral Cooperation of the Ministry of Foreign Affairs, for drafting the reports due to the Security Council Committees established pursuant to resolutions 1267 (1999), 1373 (2001) and 1540 (2004);

6. Participate at the highest level in the Third Conference of Ministers of Justice of the African Francophone Countries, to be held in Dakar from 3 to 5 November 2005, and in the Moroni subregional workshop of member States of the Indian Ocean Commission on strengthening judicial cooperation in criminal matters, to be held from 28 to 31 November 2005;

II. Request UNDCP to:

1. Organize in Antananarivo from 22 to 24 November 2005, in cooperation with the International Monetary Fund and Interpol, a national training workshop for magistrates and the competent law enforcement services in applying the above-mentioned instruments;

2. Organize a specific national training workshop on extradition and mutual judicial assistance;

3. Provide technical and material assistance for the publication, reproduction and dissemination of the amended version of the Penal Code incorporating the above-mentioned instruments into domestic law;

4. Train specialized national counter-terrorism experts and teach them how to disseminate the expertise thus acquired at the national level, including to the National Judicial College, the National Gendarmerie College, the National Police College and all other relevant colleges;

5. Provide appropriate equipment and expertise to the Ministry of Justice with a view to raising public awareness in Madagascar about combating terrorism in accordance with the rule of law, inter alia, through video or television footage and video conferencing;

6. Facilitate the translation and dissemination of UNDCP guides and manuals for the implementation of the above-mentioned instruments in order to ensure better monitoring and effective action against terrorism and transnational organized crime;

III. Request the competent governmental authorities to bring this action plan to the attention of the Security Council and the sixtieth session of the General Assembly of the United Nations.

United Nations A/60/404–S/2005/622

General Assembly
Security Council

Distr.: General
3 October 2005

Original: English

General Assembly
Sixtieth session
Agenda item 19
Question of Cyprus

Security Council
Sixtieth year

Letter dated 30 September 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I would like to draw your attention to yet another case of destruction of cultural heritage by the Turkish occupation forces in the occupied part of Cyprus. The incident, which is but the most recent in a series of similar occurrences, concerns one of the most important archaeological sites of the Neolithic period in Cyprus.

According to the Turkish Cypriot press, a 7,000-year-old archaeological site of unique historical significance, in the Karpas peninsula, recently suffered irreparable damage when the Turkish army levelled the hilltop on which the ancient settlement was situated. The purpose of this operation, for which bulldozers were used, was to place two flag-poles for the flags of Turkey and the so-called "TRNC", and to open up a new road nearby.

Excavations in the area were conducted in 1970 by Dr. Alain Le Brun on behalf of the French national Centre for Scientific Research. The excavations were interrupted four years later as a result of the Turkish invasion of Cyprus and the illegal occupation of the northern part of the Republic.

The great importance of the aforementioned Neolithic settlement is best documented in Dr. Le Brun's monograph, *Cap Andreas-Kastros: un site néolithique précéramique en Chypre* (Paris, Association pour la diffusion de la pensée française, 1981).

The Government of the Republic of Cyprus holds the Government of Turkey and its subordinate local administration in the occupied area of Cyprus responsible for the deplorable act of vandalism mentioned above. Such actions blatantly violate international conventions on the protection of the cultural heritage, contravene scientific ethics and cause indignation and dismay among Cypriot citizens. Protection of cultural heritage should be a matter of mutual concern and cooperation between the two communities; however, the Turkish side, in a lamentable display of arrogance and disrespect to the history and culture of Cyprus, opts to deliberately widen the gap by promoting its own political expediencies.

05-53495 (E) 051005

On behalf of the Government of the Republic of Cyprus, I strongly protest the aforementioned deplorable act against culture and appeal to you to exert your influence over the Government of Turkey so that it may abide by its obligations, as emanating from the relevant international conventions, and refrain from similar provocations in the future.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 19, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

United Nations A/60/405–S/2005/623

General Assembly
Security Council

Distr.: General
3 October 2005

Original: English

General Assembly
Sixtieth session
Agenda items 12, 52, 106, 107, 108 and 110

Prevention of armed conflict

Sustainable development

Crime prevention and criminal justice

International drug control

Measures to eliminate international terrorism

Report of the Secretary-General on the work of the Organization

Security Council
Sixtieth year

Letter dated 29 September 2005 from the Permanent Representative of the Republic of Moldova to the United Nations addressed to the Secretary-General

As the Permanent Representative of the countr¸ presiding over the GUUAM groups of countries, I have the honour to transmit herewith the texts of the communiqué of the tenth meeting of the Council of Ministers for Foreign Affairs of the GUUAM States (see annex I) and the joint statement of the sixth GUUAM-United States of America ministerial meeting (see annex II) both of which were held in New York on 16 September 2005.

I should be grateful if you would have the present letter and its annexes circulated as a document of the General Assembly under agenda items 12, 52, 106, 107, 108 and 110.

(*Signed*) Vsevolod **Grigore**
Ambassador
Permanent Representative

05-53393 (E) 051005

Annex I to the letter dated 29 September 2005 from the Permanent Representative of the Republic of Moldova to the United Nations addressed to the Secretary-General

Communiqué of the tenth meeting of the Council of Ministers for Foreign Affairs of the GUUAM States

New York, 16 September 2005

On 16 September 2005, the tenth meeting of the Council of Ministers for Foreign Affairs of the GUUAM States was held in New York in the margins of the sixtieth session of the General Assembly of the United Nations. Representatives of the Republic of Azerbaijan, Georgia, the Republic of Moldova and Ukraine took part in the meeting. A meeting of the participants with the delegation of the United States of America was held later that day.

The Council reviewed the decisions of the GUUAM Summit of Heads of State, held on 22 April 2005 in Chisinau, and noted with satisfaction the progress achieved in realization of the Chisinau declaration, "For the sake of democracy, stability and development".

The Council also reviewed the decisions taken at its ninth meeting, held on 21 April 2005 in Chisinau. It was agreed that the transformation of GUUAM into an international organization, including the creation of the GUUAM secretariat on the basis of the GUUAM information office in Kyiv, and the development of a GUUAM partnership institution are of utmost importance for achievement of the goals envisaged in the Chisinau declaration.

The Ministers welcomed the outcome of the second and third meetings of the GUUAM Parliamentary Assembly, held, respectively, on 28 May 2005 in Yalta and on 8 September 2005 in New York. They expressed their confidence that the GUUAM Parliamentary Assembly would become an effective instrument of parliamentary diplomacy at the regional and European levels, aimed at assisting in creating common space for strengthening democracy, increasing security and deepening economic, scientific, cultural and other fields of cooperation in the GUUAM region. In addition, the Ministers appreciated the organization of the meetings of the specialized committees of the GUUAM Parliamentary Assembly in Chisinau on 27 September 2005.

Examining the implementation of the GUUAM programme of work for 2005, the Council took note of the reports of the third meeting of the Steering Committee on Trade and Transportation Facilitation (Baku, 12 July 2005), the Working Group on Combating Terrorism, Organized Crime and Drug Trafficking (Baku, 25 July 2005) and the Working Group on Trade and Economic Development (Kyiv, 30 and 31 August 2005).

The Ministers took note of the protocol of the first meeting of the group of experts on the elaboration of statutory documents of the organization to be established on the basis of GUUAM, held on 30 and 31 August 2005 in Kyiv.

Praising the information provided by Ukraine about accreditation of the GUUAM information office in Kyiv, the Council requested the Ukrainian side to take the necessary steps in order to make the office fully operational.

The Ministers noted with satisfaction the increased cooperation of the GUUAM group of countries in combating terrorism and organized crime. They welcomed the high level of cooperation achieved in the first phase of the anti-drug operation "Harmony", which was held by the GUUAM States in cooperation with the Southeast European Cooperative Initiative (SECI) Centre and with the assistance of the United States of America.

Appreciating the high-level cooperation between GUUAM and the United States, the Ministers underlined the importance of strengthening cooperation in the project on trade and transport facilitation as well as the project on the creation of the GUUAM virtual centre and the Interstate Information Management System (VC/IIMS).

The Council took note with interest of the information provided by the Republic of Moldova about the creation of the Centre on Combating Human Trafficking with the assistance of the United States. The agreement on initiative between the Republic of Moldova and the United States Government was signed in Chisinau on 6 September 2005.

The Council highly appreciated the active support of the Government of the United States to the GUUAM initiatives, involving experts from Bulgaria, Hungary, Lithuania and Romania, especially in the field of trade and transportation and combating terrorism/organized crime.

The Ministers were pleased to note the increasing interest in the GUUAM group on the part of other international organizations and States. To this end, they agreed to develop the partnership relations with those interested parties, including through adoption of the statute on the status of the partners of GUUAM. They welcomed the participation of the Republic of Moldova, as the chairing State in GUUAM, in the meeting of the Visegrad Group.

The Council reiterated the interest of GUUAM in establishing cooperation with the European Union in fields of mutual interest.

The Ministers evaluated positively the development of cooperation of the participating States of GUUAM within international organizations, in particular, the United Nations and the Organization for Security and Cooperation in Europe (OSCE).

Stressing the necessity of further developing economic cooperation, the Ministers supported the Georgian initiative to hold the second GUUAM economic forum on 21 and 22 November 2005, in Tbilisi.

Guided by the relevant provisions of the Chisinau declaration on the importance of intensifying the joint efforts of the GUUAM States on the settlement of conflicts in the GUUAM region, the Ministers welcomed the initiative of Azerbaijan to hold the first expert meeting on this issue in Baky in the end of October 2005.

The Council decided to submit to the attention of the next summit of the GUUAM Heads of State the declaration of Uzbekistan on withdrawal from GUUAM and to propose that an appropriate decision be made.

The Council welcomed the willingness of Ukraine to assume the chairmanship of GUUAM in 2006.

The Council took a decision to organize the eleventh meeting of the Council of Ministers for Foreign Affairs of the GUUAM States within the margins of the meeting of the Council of Ministers for Foreign Affairs of OSCE in Slovenia in December 2005.

Annex II to the letter dated 29 September 2005 from the Permanent Representative of the Republic of Moldova to the United Nations addressed to the Secretary-General

Joint statement of the sixth GUUAM-United States of America ministerial meeting

New York
United Nations General Assembly
16 September 2005

On 16 September 2005, the sixth consecutive ministerial meeting of GUUAM-United States of America was held in New York on the margins of the sixtieth session of the United Nations General Assembly.

The GUUAM Ministers for Foreign Affairs and United States Assistant Secretary of State, Dan Fried, discussed a wide range of issues, including cooperation between the two parties and progress in the implementation of the GUUAM-United States of America framework programme. The participants focused on the accomplishments of the GUUAM group since the last GUUAM-United States meeting, held on 22 April 2005 in Chisinau.

The Ministers welcomed the development of the United States-GUUAM framework projects. Since the Chisinau Summit, the United States sponsored Euro-Atlantic Advisory Team has been assisting the GUUAM group of countries in implementing the GUUAM Virtual Centre on Combating Terrorism, Organized Crime, Drug Trafficking and Other Dangerous Types of Crime and the GUUAM Interstate Information Management System (VC/IIMS) and Trade and Transport Facilitation projects. In July, the GUUAM organization held meetings of the Working Group on Combating Terrorism, Organized Crime and Drug Trafficking and the Steering Committee on Trade and Transport Facilitation to further coordinate the development of the national structures for implementing the two projects.

During the first two weeks of September, the GUUAM group of countries completed the second phase of the "Operation Harmony" counter-narcotics operation in cooperation with the Law Enforcement Centre of the Southeast European Cooperative Initiative (SECI) and the first phase of the trade and transport facilitation border reform process was initiated with the start of assessment missions carried out by United States and Lithuanian customs advisers.

The Ministers also recognized the importance of further development of the two projects. Over the next six months, the GUUAM group of countries expect to plan and develop law enforcement operations for countering the trafficking in narcotics and the trafficking in persons in the region. By the time of the November meeting of the Working Group on Combating Terrorism, Organized Crime and Drug Trafficking, the GUUAM group of countries will have completed their inter-agency offices for the Virtual Centre and Interstate Information Management System and will continue the development of the regional task force structure that will conduct additional law enforcement exercises.

As part of the trade and transport facilitation project, the GUUAM group of countries will use the trade and transport facilitation border assessment to develop a regional training programme to address gaps in their ability to develop the best international practices at the region's key ports of entry.

Assistant Secretary of State Fried commended GUUAM on jointly drafting and adopting the regional strategy and action plans for two projects developed under the GUUAM-United States framework programme:

- The Trade And Transport Facilitation Project of the GUUAM States
- The GUUAM Virtual Centre and Interstate Information Management System (VC/IIMS).

The Ministers expressed their gratitude to the United States Government for providing technical and advisory assistance in the development of the draft documents during their experts meetings in Kyiv and Baku. The two sides affirmed the importance of urgent implementation of the trade and transport facilitation and VC/IIMS projects. The United States Department of State expressed its continued commitment to supporting the next steps taken by GUUAM to implement both projects.

The GUUAM States expressed their interest and intention to cooperate with the European Union in the sphere of implementation of the projects laid down within the GUUAM framework. The United States also welcomed the engagement of the European Union in the group's activities and underlined the importance of the support of the European Union in implementing GUUAM projects and programmes. The willingness to further proceed with the dialogue within the format of the GUUAM-European Union and GUUAM-European Union-United States contacts was declared a priority.

The participants agreed that terrorism represents one of the most dangerous threats to international peace and stability today. In this regard, the implementation of the GUUAM VC/IIMS projects, with the assistance of the United States Department of State and the European Union, is of paramount importance.

The participants expressed their readiness to continue the political and practical support for the development of the GUUAM group of countries and their cooperation with the Euro-Atlantic community and its institutions.

The United States highly appreciated the fact that GUUAM had been granted observer status in the General Assembly of the United Nations and declared its intention to support the further development of GUUAM cooperative activities in the framework of the General Assembly.

Participants underlined the importance of establishing an inter-parliamentary body to provide legislative support to the framework programme.

It was agreed that the transformation of GUUAM into an international organization, including the creation of the GUUAM secretariat on the basis of the GUUAM information office in Kyiv and the development of a GUUAM partnership institution, are of utmost importance for the achievement of the goals envisaged in the Chisinau declaration.

United Nations A/60/406–S/2005/624

General Assembly
Security Council

Distr.: General
3 October 2005
English
Original: Spanish

General Assembly
Sixtieth session
Agenda item 108
Measures to eliminate international terrorism

Security Council
Sixtieth year

Letter dated 29 September 2005 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a communiqué from the Ministry of Foreign Affairs of the Bolivarian Republic of Venezuela, making a pronouncement on the current status of the request for the extradition of terrorist Luís Clemente Posada Carriles, who, as is common knowledge, is presently in the United States of America (see annex). The acts of which he stands accused as a terrorist are explained in detail in the document circulated by the Secretariat of the United Nations dated 16 June 2005 under the symbol A/59/849-S/2005/394.

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the General Assembly, under agenda item 108, and as a document of the Security Council.

(*Signed*) Fermín **Toro Jiménez**
Ambassador
Permanent Representative

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Annex to the letter dated 29 September 2005 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General

Pronouncement on the results of the immigrations proceedings regarding terrorist Luís Clemente Posada Carriles in the United States of America

The Ministry of Foreign Affairs wishes to inform the general public of its categorical rejection of the decision of Judge William Abbot, who ruled that Luis Posada Carriles could not be deported to Venezuelan territory on the grounds that he might be subject to torture. That decision was based entirely on the false allegations of Posada Carriles's defence counsel, with no other legal substantiation than the testimony of a supposed expert witness, whose objectivity is in doubt in view of his previous working connection with Posada Carriles.

It should be noted that the Constitution of the Bolivarian Republic of Venezuela enshrines in article 46 respect for the physical, psychological and moral integrity of every individual and expressly prohibits torture and degrading treatment. It provides in article 43 for the inviolability of the right to life and in article 49 for the right of every citizen to due process before the organs responsible for the administration of justice. Moreover, the country has been a party to the Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment since 26 July 1991. At no time in recent years has the Bolivarian Republic of Venezuela been the subject of allegations by any international organization about the torture of any person. Furthermore, the country adheres to international criminal procedural safeguards, as has been demonstrated in the cases in which fugitives from justice from neighbouring countries have been deported or extradited.

The Ministry of Foreign Affairs considers that this decision is totally unacceptable and reveals the political manipulation of the case, in which disrespect was shown for the most fundamental principles of international law. It is clear to the international community that the Government of the United States of America is giving out double messages, proclaiming its leadership in the fight against terrorism, while at the same time harbouring a fugitive from Venezuelan justice who is accused of killing 73 persons by blowing up a passenger airliner on 6 October 1976.

The Ministry of Foreign Affairs, in the name of the Venezuelan people and above all for the sake of the justice that is owed to the families of the victims, states its demand to the United States Department of State that it should immediately turn over to a federal judge the file delivered by the Bolivarian Republic of Venezuela on 15 June 2005, in which it requested the extradition of Luís Posada Carriles, so that proceedings may be initiated that, we hope, will lead to the extradition of the terrorist in the interests of justice.

We are confident that the people of the United States of America, who themselves have experienced the tragedy of being victims of terrorism, will add their voices to the those of the Venezuelan people in this struggle and will demand that their authorities extradite the terrorist Luís Posada Carriles to Venezuelan territory.